

transmitting to said vending device digital contents corresponding to said distribution request by receiving said distribution request transmitted from said distribution management device; and

selling the digital contents distributed from said distribution management device.

32. A program file storing a program for distributing a digital contents via a network, said program when executed causes a computer to perform the steps of:

selecting digital contents corresponding to each of a plurality of stores selling said digital contents, and generating a distribution schedule for controlling distribution of said digital contents corresponding to said stores;

instructing distribution of digital contents according to said distribution schedule to each of said stores; and

selling a particular digital content selected by a customer from said distributed digital contents. --

#### REMARKS

Attached hereto is a marked-up version of the changes made to the specification by the current Amendment. The attached is captioned "Version with markings to show changes made".

The present Amendment cancels claims 1-21 and adds new claims 22-32. Therefore, the present application has pending claims 22-32.

In paragraph 2 of the Office Action the Examiner objected to the drawings under 37 CFR §1.84(p)(5) being that the Examiner alleges that element 706 in Fig. 7 is not described in the specification. Amendments were made to the specification to describe element 706. Therefore, this objection is overcome and should be withdrawn.

In paragraph 4 of the Office Action the Examiner objected to the specification as containing a typographical error on page 17, line 16. Amendments were made to the specification to correct the typographical error. Therefore, this objection is overcome and should be withdrawn.

In paragraphs 5-7 of the Office Action the Examiner objected to informalities in claims 6, 11 and 13. As indicated above, claims 6, 11 and 13 were canceled. Therefore, this objection is rendered moot.

Claim 1 stands rejected under 35 USC §102(e) as being anticipated by Spagna (U.S. Published application 2000/0002468); claims 2, 6, 10, 13, 16 and 19 stand rejected under 35 USC §102(e) as being anticipated by Cook (U.S. Patent No. 5,860,068); claims 4, 11 and 17 stand rejected under 35 USC §102(e) as being anticipated by Poggio (European patent No. 0809221); claim 3 stands rejected under 35 USC §103(a) as being unpatentable over Spagna in view of Escallon (U.S. Patent No. 5,799,157 and Poggio); claims 5, 12 and 18 stand rejected under 35 USC §103(a) as being unpatentable over Spagna in view of Cook; claim 7 stands rejected under 35 USC §103(a) as being unpatentable over Spagna and Cook in view of Escallon; claims 8, 14 and 20 stand rejected under 35 USC §103(a) as being unpatentable over Poggio in view of Cook; and claims 9, 15 and 21 stand rejected

under 35 USC §103(a) as being unpatentable over Spagna and Poggio in view of Cook. As indicated above, claims 1-21 were canceled. Therefore, these rejections are rendered moot.

As indicated above, new claims 22-32 were added reciting features of the present invention not taught or suggested by any of the references of record whether taken individually or in combination with each other.

For example, claim 22 is directed to a digital contents distribution method of distributing digital content via a network including selecting digital contents corresponding to each of a plurality of stores selling the digital contents and generating a distribution schedule for controlling distribution of the digital contents corresponding to the stores, instructing distribution of digital contents according to the distribution schedule to each of the stores, and selling a particular digital content selected by a customer from the digital contents.

Further, claims 23 is directed to digital contents distribution method of distributing digital contents via a network including when digital contents selected by a customer is not saved in a vending device, transmitting a distribution request for the selected digital contents from the vending device to a distribution management device, upon transmitting the distribution request of the selected digital contents from the distribution management device to a content database device, distributing to the digital management device digital contents transmitted from the content database device based on the distribution request, transmitting to the vending device digital contents corresponding to the distribution request by receiving the distribution

request transmitted from the distribution management device and selling the digital contents distributed from the distribution management device.

Each of the above described features of the present invention now more clearly recited in the claims are not taught or suggested by any of the references of record whether taken individually or in combination with each other.

For example, Spagna teaches the distribution of digital contents based on a distribution schedule. However, this distributing of digital contents based on a distribution schedule is not the same as the present invention wherein the digital contents are distributed by making out a distribution schedule according to each of the stores.

Cook teaches a method of fetching digital contents to a disk farm. However, the present invention as recited in the claims provides a method and system wherein digital contents are sold from stores of held in vending machines for sale to customers who has to access to vending machines. Thus, according to the present invention the digital contents is acquired quite differently from that taught by Cook. Further, according to the present invention, if a customer selects digital content that is listed in the information for goods but not in stock in the store or the vending device, a request for distribution of the digital content is sent to the contents database device. Such features are clearly not taught or suggested by Cook.

Further, according to the present invention as recited in the claims, a license fee is calculated for each of the digital contents sold according to a predetermined period. Thus, according to the present invention the total number calculated by the present invention is the total amount of sales for a plurality of digital contents sold for

which a copyright is held by the contents holder. Such features are clearly are not taught or suggested by Poggio which merely teaches a system for providing information concerning a license fee for a product selected by a customer.

The above described features of the present invention are also not taught or suggested by Escallon. Escallon merely teaches the digitization of books. Poggio merely provides a system which checks whether or not a license of digital content is valid or not. Applicants invention is entirely different from that taught by Escallon and Poggio being that according to the present invention the method and system checks whether or not digitized content is in fact the digital content requested and whether any errors exist in the digital content. Thus, for example, when an electronic book is transmitted according to the present invention, the digitized content of the electronic book is checked for typographical errors, omission of words or missing pages. If there are no errors according to the present invention the digital content is accumulated in the content database device. Such features are not taught or suggested by Escallon or Poggio.

Therefore, as can be seen from the above, the features of the present invention as now recited in new claims 22-32 are not taught or suggested by any of the references of record whether taken individually or in combination with each other as recited in the claims. accordingly, reconsideration and withdrawal of the above noted rejections is respectfully requested.

In view of the foregoing amendments and remarks, Applicants submit that the present application is now in condition for allowance based on claims 22-32. Accordingly, early allowance of claims 22-32 is respectfully requested.

To the extent necessary, the applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (500.38037X00).

Respectfully submitted,

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE SPECIFICATION**

Please amend the specification as follows:

Page 3, line 3, delete "SUMMARY OF THE INVENTION".

Page 4, line 27, insert --SUMMARY OF THE INVENTION--.

Please replace the paragraph beginning at page 17, line 17 with the following rewritten paragraph:

-- Fig. 6 ~~is~~ shows an outline of constitution of vending device 140 of the embodiment. As can be seen from Fig. 6, vending device 140 of the embodiment includes a CPU 601, a memory 602, a magnetic disk device 603, a keyboard 604, a display 605, a communication adapter 606, and a data input device 607. --

Please replace the paragraph beginning at page 20, line 13 with the following rewritten paragraph:

-- In step 704, digitization section 210 of digitizing device 100 examines the contents of a response message from the publisher. If replacement is required for the electronic book generated in step 702, digitizing section 210 conducts processing of replacement in step 705 and then control returns to step 702 to again execute processing beginning at the digitization. If the contents of the electronic book generated in step 702 is recognized, digitizing section 210 sends the electronic book to content database section 410 of content database device 120 in step 706.